

Before the
Federal Communications Commission
Washington, DC 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)	
Amendment of Section 73.202(b))	MB Docket No. 02-166
Table of Allotments)	RM-10478
FM Broadcast Stations)	
(Salina, Utah))	

To: Assistant Chief, Audio Division
Media Bureau

COMMENTS

Millcreek Broadcasting, L.L.C. ("Millcreek"), licensee of Station KUUU(FM), Tooele, Utah, by its counsel, files these comments pursuant to the Notice of Proposed Rule Making in this proceeding (DA 02-1553, released July 5, 2002). The NPRM proposes to allot Channel 276C to Salina, Utah at the request of Sierra Grande Broadcasting ("Sierra Grande").

1. On March 18, 2002, Millcreek filed a timely counterproposal in MB Docket No. 02-14 (Ketchum, Idaho) which will provide first local services at two communities in Utah and expand new radio service to more than two million people. Millcreek acknowledged that its counterproposal conflicted with the petition for rule making in this proceeding, which had not yet been placed on public notice and therefore was timely as a counterproposal. To avoid the conflict and accommodate both parties, Millcreek proposed an alternative channel, Channel 300C, that could be allotted to Salina. On July 18, 2002, in comments filed in MB Docket 02-14, Sierra Grande rejected Channel 300C, but proposed Channel 277C0 as an alternate to its

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originally requested Channel 276C at Salina.¹ Accordingly, Sierra Grande has withdrawn its interest in Channel 276C at Salina, Utah, and has proposed Channel 277C0 in its place.

2. Procedurally, the Commission should combine this proceeding with MB Docket No. 02-14, with which it is in conflict. As recited above, Channel 276C at Salina conflicts with Millcreek's counterproposal in MB Docket No. 02-14, and since it was timely to that proceeding it should be considered together with the other proposals in that proceeding. *See Pinewood, South Carolina*, 5 FCC Rcd 7609 (1990) (parties contemplating the filing of a petition for rule making that may conflict with a counterproposal in another proceeding must do so by the comment date in that proceeding in order to have their proposal considered as part of that proceeding). However, if Channel 277C0 is considered for allotment to Salina in this proceeding, the conflict between the two proposals is removed and both may be granted in separate dockets. See attached Engineering Exhibit (demonstrating clear spacing between Channel 277C0 and Millcreek's counterproposal). However, if Sierra Grande reverts to its original Channel 276C, its proposal must be compared against Millcreek's counterproposal according to the Commission's allotment priorities in one proceeding. *See Revision of FM Assignment Policies and Procedures*, 90 FCC 2d 88 (1982). Under this comparison, Millcreek's proposal would be favored over Sierra Grande's because of the greater population of the respective communities (South Jordan, Utah, and Naples, Utah, total pop. 30,737, vs. Salina, Utah, pop. 2,393). See e.g., Blanchard, Louisiana and Stephens, Arkansas, 10 FCC Rcd 9828 (1995).

WHEREFORE, for the foregoing reasons, the Commission should allot Channel 277C0 to Salina in place of Channel 276C pursuant to the petitioner's request filed in MM Docket 02-14

¹ Letter from Sierra Grande Broadcasting to FCC re MM Docket Nos. 02-14 and 02-12, at pages 3-4 (dated June 29, 2002 and received by the FCC on July 18, 2002) (Copy

and which is expected to be filed here or else combine this proceeding with MB Docket No. 02-14.

Respectfully submitted,

MILLCREEK BROADCASTING, L.L.C.

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August 26, 2002

attached).

Allocation Study

Channel 277C0, Salina, Utah

(Using Coordinates Proposed by Sierra Grande Broadcasting)

REFERENCE						DISPLAY DATES
38 42 44 N			CLASS = C0			DATA 08-20-02
111 38 46 W			Current Spacings			SEARCH 08-23-02
----- Channel 277 - 103.3 MHz -----						
Call	Channel	Location		Dist	Azi	FCC Margin

RADD	ADD 276C	Salina	UT	32.94	326.0	220.0 -187.06
RDEL	DEL 276C	Salina	UT	32.94	326.0	220.0 -187.06
KRSPFM	CP 278C	Salt Lake City	UT	221.38	347.8	220.0 1.38
KMDG	LIC 280C	Nephi	UT	116.50	2.9	105.0 11.50
RADD	ADD 278C1	Fredonia	AZ	208.65	193.5	196.0 12.65
RADD	ADD 276C	Coalville	UT	252.18	12.3	220.0 32.18
KPRU	LIC 277C2	Delta	CO	297.74	85.4	239.0 58.74

CERTIFICATE OF SERVICE

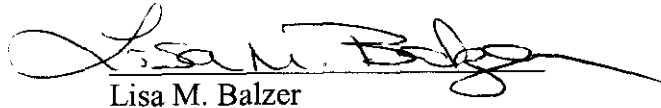
I, Lisa M. Balzer, a secretary in the law firm of Shook, Hardy and Bacon, do hereby certify that I have on this 26th day of August, 2002 caused to be mailed by first class mail, postage prepaid, copies of the foregoing "**COMMENTS**" to the following:

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